

8/23/04

1647
JW

PTO/SB/21 (02-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/689,159	
	Filing Date	October 12, 2000	
	First Named Inventor	Peter H. St. George-Hyslop	
	Art Unit	1647	
	Examiner Name	S. L. Turner	
Total Number of Pages in This Submission	12	Attorney Docket Number	01034/100F808-US7

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Withdrawal of Notice of Abandonment with Exhibits A-E
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	DARBY & DARBY P.C. Michael J. Sullivan - 54,479
Signature	
Date	August 19, 2004

Express Mail Label No.	Dated: _____
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Express Mail Label No.

Dated: _____

Customer No.: 07278

Docket No.: 01034/100F808-US7
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Peter H. ST. GEORGE-HYSLOP et al.

Serial No.: 09/689,159

Art Unit: 1647

Filed: October 12, 2000

Examiner: S. L. Turner

For: **ANTIBODY SPECIFIC FOR PRESENILIN 1 AND METHOD OF USE
THEREOF**

REQUEST FOR WITHDRAWAL OF NOTICE OF ABANDONMENT

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to withdraw the Notice of Abandonment issued August 10, 2004 in the above identified patent application pursuant to 37 C.F.R. 1.8(b). The application was held abandoned for failure to respond to the Office Action mailed April 14, 2004, within the statutory period. As an attorney of record in this application, I submit herewith a Declaration by Angelina Stantini, together with supporting evidence, to establish that a timely response was filed on April 21, 2004. Specifically, that a Request for Continued Examination (the "RCE") was filed by Certificate of Express Mailing on April 21, 2004, in an envelope properly addressed and mailed to the correct mailing address for the Commissioner for Patents, Alexandria, VA 22313, together with a petition for an extension of time and the requisite fee for both the extension of time and the RCE. The postcard was not returned to Applicants' representative.

For these reasons, it is respectfully requested that the Notice of Abandonment be withdrawn.

Dated: August 19, 2004

Respectfully submitted,

By 

Michael J. Sullivan

Registration No.: 54,479

Attorneys For Applicant

DARBY & DARBY P.C.

P.O. Box 5257

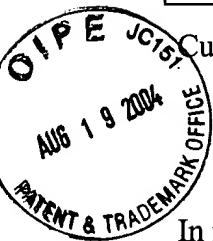
New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Express Mail Label No.

Dated: _____



Customer No.: 07278

Docket No.: 01034/100F808-US7
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter H. ST. GEORGE-HYSLOP et al.

Serial No.: 09/689,159

Art Unit: 1647

Filed: October 12, 2000

Examiner: S. L. Turner

For: **ANTIBODY SPECIFIC FOR PRESENILIN 1 AND METHOD OF USE
THEREOF**

DECLARATION OF ANGELINA STANTINI

I, Angelina Stantini, declare as follows:

1. I am employed as a docket clerk in the Docketing Department at Darby & Darby, P.C. I make this declaration pursuant to 37 C.F.R. 1.8(b) to establish the timely filing of a Request for Continued Examination and a Petition for an Extension of Time in response to the Office Action mailed April 14, 2004.

2. A true copy of the Notice of Abandonment dated August 10, 2004 is attached as Exhibit A. The Notice of Abandonment states that the applicants failed to respond to a Office Action mailed on April 14, 2004.

3. A true copy of a Request for Continued Examination and a Petition for an Extension of Time in response to the Office Action mailed April 14, 2004 filed in response to the Office Action is attached as Exhibit B. Exhibit B also bears an executed Certificate of Express Mailing Under 37 CFR 1.10 listing the documents submitted therewith, which has my signature.

4. A true copy of the Express Mailing Label is attached hereto as Exhibit C. The Express Mailing Label bears the Express Mail Label No. EV418264247US, which is referenced on the Certificate of Express Mailing Under 37 CFR 1.10 attached at Exhibit B.

4. In accordance with our office procedure, as docket clerk, I prepared the papers being transmitted and reviewed the papers for completeness. Satisfied that everything was complete and in order, I signed, and dated the Certificate of Express Mailing and placed the papers in a properly addressed postage-paid envelope for mailing to the USPTO. Incomplete or

unsigned papers would not be placed in the envelope, but would be returned to the attorney. I then delivered the USPTO envelope to our mailroom where it is stamped and delivered to a postal depository.


5. Attached as Exhibit D is a true copy of a self-addressed postcard which accompanied the responsive papers (Exhibits B). The postcard would have accompanied the other papers and I would have considered them incomplete in its absence. The postcard also bears my initials and would not have been initialed by me if the papers were incomplete or unsigned.

6. Attached as Exhibit E is a true copy of a page from the docket book that I keep in the ordinary course of performing my duties as a docket clerk. That page shows papers filed under Express Mail Label No. EV418264247US, among which is an entry for patent assignee "Shering", serial number 689,159, "RCE and 3rd" referring to the contents of the submission, for attorney "MJS" and client/matter number "01034/100F808-US7." That entry refers to a submission of a Request for Continued Examination and a Petition for an Extension of Time, by attorney Michael J. Sullivan of the firm Darby & Darby P.C., for the above-referenced client/matter.

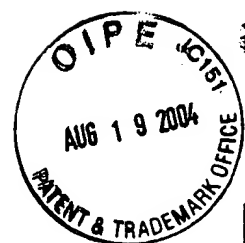
7. Based upon the presence of the Certificate of Express Mailing I signed, the postcard I initialed, and the entry in my docket book, it may be concluded that the originals of Exhibits B were timely filed on April 21, 2004 in accordance with normal procedures at Darby & Darby.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 8/18/04


Angelina L. Stantini

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700



Application No. (if known): 09/689,159

Attorney Docket No.: 01034/100F808-US7

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. _____ in an envelope addressed to:

2996122665-US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on August 19, 2004
Date

Signature

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form SB-21;
Request for Withdrawal of Notice of Abandonment (2 pages) with Exhibits A-E; and
Postcard.



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,300.00

Complete if Known

Application Number 09/689,159
Filing Date October 12, 2000
First Named Inventor Peter H. St. George-Hyslop
Examiner Name S. L. Turner
Art Unit 1647
Attorney Docket No. 01034/100F808-US7

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

04-0100

Deposit Account Name

Darby & Darby P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims ** = x =
Independent Claims ** = x =
Multiple Dependent =

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	530.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770.00
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,300.00

SUBMITTED BY

Name (Print/Type) Michael J. Sullivan

Registration No. 54,479
(Attorney/Agent)

(Complete if applicable)

Telephone (212) 527-7700

Signature

Date April 21, 2004

Express Mail Label No.

Dated: _____



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/689,159
	Filing Date	October 12, 2000
	First Named Inventor	Peter H. St. George-Hyslop
	Art Unit	1647
	Examiner Name	S. L. Turner
	Attorney Docket No.	01034/100F808-US7

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☒ Other Amendment dated March 15, 2004

b. ☐ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Petition for Extension of Time

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____


i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 1,300.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Michael J. Sullivan	Registration No. (Attorney/Agent)	54,479
Signature		Date	April 21, 2004

Express Mail Label No.	Dated: _____
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket No. (Optional) 01034/100F808-US7											
In re Application of Peter H. St. George-Hyslop et al.													
Application Number 09/689,159		Filed October 12, 2000											
For: ANTIBODY SPECIFIC FOR PRESENILIN 1 AND METHOD OF USE THEREOF													
Art Unit 1647		Examiner S. L. Turner											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table style="width: 100%; border: none;"><tr><td style="width: 60%;"><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td style="width: 40%; text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input checked="" type="checkbox"/> Third month (37 CFR 1.17(a)(3))</td><td style="text-align: right;">\$ 530.00</td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td><td style="text-align: right;">\$ _____</td></tr></table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-0100</p> <p>I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> applicant/inventor.</p> <p style="margin-left: 150px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).</p> <p style="margin-left: 150px;"><input type="checkbox"/> attorney or agent of record. Registration Number _____</p> <p style="margin-left: 150px;"><input checked="" type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) 54,479</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%;"><p>_____ Date</p><p>_____ (212) 527-7700 Telephone Number</p></div><div style="width: 45%; text-align: center;"><p> _____ Signature</p><p>Michael J. Sullivan Typed or printed name</p></div></div> <p style="font-size: small; margin-top: 10px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below</p>				<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input checked="" type="checkbox"/> Third month (37 CFR 1.17(a)(3))	\$ 530.00	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____												
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____												
<input checked="" type="checkbox"/> Third month (37 CFR 1.17(a)(3))	\$ 530.00												
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____												
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____												
<input type="checkbox"/> Total of 1 forms are submitted.													

Express Mail Label No. _____	Dated: _____
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EV-418264247 US

Customer Copy
Label 11-F June 2002



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code 10022	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	
Date In Mo. 21 Day 04 Year 04	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65	
Time In <input type="checkbox"/> AM 8:46 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Weight lbs. 1.9 ozs. 5	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials LMA	Total Postage & Fees \$ 13.65	

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		
Customer Signature		

CUSTOMER USE ONLY
METHOD OF PAYMENT:
Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE **(212) 527 7774**

DARBY E DARBY PC
805 3RD AVE FL 27
NEW YORK NY 10022-7513

TO: (PLEASE PRINT) PHONE ()

MAIL STOP
COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

RCE

PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



Atty Docket No.: 01034/100F808-US7

Inventor: Peter H. St. George-Hyslop et al.

Appln: 09/689,159

Filed: Oct. 12, 2000

Title: ANTIBODY SPECIFIC FOR PRESENILIN 1 AND
METHOD OF USE THEREOF

Documents:

Certificate of Express Mail (1 page)

Fee Transmittal (1 page)

Check No. 4740 in the amount of \$1,300;

Petition for Extension of Time (third month) (1 page)

Request for Continued Examination

EV 418264247 *us*

Via: Express Mail; Airbill No.

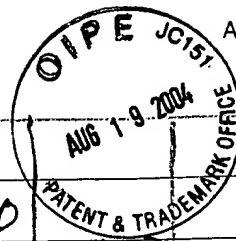
Sender Initials: *4/21/04* Date: *us*

DARBY & DARBY P.C. PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022		1-852 210 43348074	4740
COMMISSIONER OF PATENTS & TRADEMARKS		DATE <u>4/21/04</u>	\$ <u>1300.00</u>
PAY TO THE ORDER OF <u>ONE THOUSAND THREE HUNDRED</u>		DOLLARS <input checked="" type="checkbox"/> Security Features Include Details on Back	
citibank CITIBANK, N.A. BR. #852 153 EAST 63RD STREET NEW YORK, NY 10043		The Citigroup Private Bank	
MEMO <u>089,159/1F808US7</u>		<u>Gabriella V. Kasiragi</u>	
⑆021000089⑆ 43348074⑆ 4740			

APRIL 21 WEDNESDAY

2004 112th day - 254 days follow
Administrative Professionals Day (US)

EV418264255US



418264255 AF 43 530

Lakasago 170,123 Cond. Hco of Appeal	LD	09639	US1 100L327
Buckeye 831,179 Appeal and 3rd	VB	01313	100629 94452
Rebut 159979 Appeal, on not being spl	SPL	00670	000L485450

EV418264247US

418264247

RCE

US7

Schering 689,159 RCE + 3rd 1390 MS 01034 100F808

EL983949387

Recordati CTP adenidung (8) MB 04266 US5 100M192

EV418264264US

418264264 =

Purdue 736,043 IDS (10)	AL	02755	US1 100J533
Purdue 736,049 IDS (5)	AL	02755	100J524451